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OFFICE OF PETITIONS

In re Application of :
Travis Harnetiaus :
Application No. 10/677,447 :
Filed: October 2, 2003 :
Attorney Docket No. CNH-17327 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed February 3, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed February 12, 2004. Accordingly, this application became abandoned on May 13, 2004. A Notice of Abandonment was mailed on August 19, 2004.

Petitioner asserts that a response to the February 12, 2004 Office action was submitted timely on May 12, 2004. In support, petitioner has submitted a copy of the originally filed response. The response includes an executed Certificate of Mailing under 37 CFR 1.8 dated May 12, 2004. [1] Additionally, petitioner has submitted a statement under 37 CFR 1.8(b)(3) by Thomas P. Vita, Jr., the person who signed the Certificate of Mailing.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 3600, for review of the response to the non-final Office action, filed May 17, 2004 (Certificate of Mailing date: May 12, 2004), *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] It is noted that the original submission is also found in the application file. The papers are date-stamped as received by the USPTO on May 17, 2004 and do contain an executed Certificate of Mailing under 37 CFR 1.8 dated May 12, 2004. However, the papers erroneously identify serial number 10/677,477.